

REMARKS

Objection to Claim 6

The Office Action objects to claim 6 because the reference to “the ATM-based network” on line 3 allegedly has no antecedent basis. Applicants respectfully disagree. In lines 1 and 2 of claim 6 it is stated that “the switch communication network” [of claims 5 and 1] is “an ATM-based network.” Applicants respectfully submit that the reference to “the ATM-based network” in line 3 of claim 6 relates back to the first reference “an ATM-based network” in line 2 of claim 6. Accordingly, Applicants respectfully submit that there is proper antecedent basis in line 3 of claim 6 for the term “the ATM-based network.”

The Section 103 Rejections of Claims 1-5, 10-15 and 19-22

Claims 1-5, 10-15 and 19-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Simonin, U.S. Patent No. 6,049,824 (“Simonin”) in further view of Wilkins, U.S. Patent No. 5,446,919 (“Wilkins”). Applicants respectfully disagree and traverse this rejection for at least the following reasons.

Claims 1-5, 10-15 and 19-22 are aimed at methods and systems for delivering video via “a switched communication network,” that comprises, among other things, inserting one or more advertisements into one or more program streams “for delivery to individual subscribers such that a particular

subscriber receives a program stream with an advertisement that corresponds to demographic characteristics of that particular subscriber.”

As the Office Action points out, Simonin does not disclose or suggest the insertion of an advertisement “that corresponds to demographic characteristics of [a] particular subscriber.”

In addition, Applicants note that Simonin does not disclose or suggest the deliverance of a video signal via a “switched communication network,” as is required by claims 1-5, 10-15 and 19-22 of the present invention. Instead, Simonin discloses the transmission of signals over a cable television system which is not a switched communication network.

To make up for the deficiencies in Simonin, the Office Action relies on Wilkins. However, Wilkins, taken separately or in combination with Simonin, does not disclose or suggest delivering video via a “switched communication network” where “one or more advertisements” are inserted for delivery to a particular subscriber such a particular subscriber receives a program stream with an advertisement that corresponds to demographic characteristics of that particular subscriber, as is required by the claims of the present invention. In fact, Wilkins is totally silent as to the deliverance of video via a switched communication network. Rather, Wilkins assumes that any such advertisements or video would be transmitted via a conventional broadcast or cable system.

In addition, it is respectfully submitted that the claimed inventions would not be obvious to one of ordinary skill in the art in the field of switched communication systems (e.g., ATM systems) upon reading the disclosure of Simonin, taken separately or in combination with Wilkins, or vice-versa because such a person would not equate conventional broadcast or cable systems with a switched communication system as is required by the claims of the present invention.

In addition, Applicants respectfully submit that neither Simonin nor Wilkins, taken separately or in combination, discloses or suggests the insertion of "N x M ad-inserted streams" for delivery to individual subscribers as is required by claims 5 and 15 of the present invention. To the contrary, the video signals in Simonin are only addressed to those subscribers that are related to specific decoders. With respect to Wilkins, it is totally silent as to the number of ad-inserted streams which are created.

The Section 103 Rejections of Claim 6-9 and 16-18

Claims 6-9 and 16-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Simonin in view of Wilkins and in further view of Bigham et al., U.S. Patent No. 5,544,161 ("Bigham"). Applicants respectfully disagree and traverse this rejection for at least the following reasons.

Claims 6-9 and 16-18 each require that the "switched communication network" comprise an "ATM-based network." As pointed out with respect to claims 1-5, 10-15 and 19-22, neither Simonin nor Wilkins discloses or

suggests a switched communication network, let alone an ATM-based network. To make up for this deficiency, the Office Action now relies on Bigham.

Initially, Applicants note that combining Simonin and Wilkins with Bigham would either render one or more of these three references unsatisfactory for their intended purposes or require one or more of them to change their principles of operation, both of which are impermissible (see MPEP 2143.01). More specifically, both Simonin and Wilkins assume the use of a conventional cable television or broadcast communication system while Bigham discloses the use of an ATM network. Thus, either Simonin's and Wilkins' principle of operation would have to be changed to make it compatible with an ATM network or the principle of operation of Bigham would have to be changed to make it compatible with a conventional cable television or broadcast network, neither of which is permissible. In addition, Applicants note that Bigham appears to teach away from the use of a conventional broadcast network (see column 7, lines 10-45 of Bigham).

Even if the combination of Simonin, Wilkins and Bigham can be properly combined, Applicants respectfully submit that such a combination would not render claims 6-8 and 16-18 obvious because none of these references, taken separately or in combination, discloses or suggests the insertion of "N x M ad-inserted streams" into program streams as is required by claims 6-8 and 16-18.

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-22.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

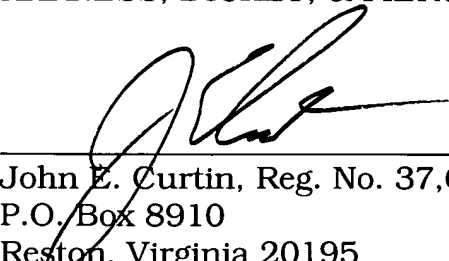
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By



John E. Curtin, Reg. No. 37,602
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JEC:psy